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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,102	10/14/2003	Mark Anderson	2054.001US3	6792
21186	7590	12/11/2007		
SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER DINH, KHANH Q	
			ART UNIT	PAPER NUMBER
			2151	
			MAIL DATE	DELIVERY MODE
			12/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/686,102

Applicant(s)

ANDERSON ET AL.

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5-19, 22-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-15, 18, 19, 22-32, 35 and 36 is/are rejected.
- 7) ☒ Claim(s) 16, 17, 33 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/3/2007
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This is in response to the Amendment and Remarks filed on 9/25/2007. Claims 1, 2, 5-19, 22-36 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 2, 6-7, 9-15, 18, 19, 23-24 and 26-32, 35 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kari et al., US pat. No.6,154,745.

As to claim 1, Kari discloses a method to perform geolocation activities relating to a query, the method including:

receiving, entity at a geolocation system (search terminal 1 fig. 2) a query including an Internet address from an external (initiating a query including a network address, see abstract, fig.2, col.4 lines 44-67 and col.6 lines 15-62);

responsive to receipt of the generating geographic data and network data at the geolocation system to map the query to a geographic location associated with the network address (by setting up a connection via the telecommunication network to the service, the location information, the identification of the terminal or the user, and possible information on the travel route is included in the query message is transmitted to the service. The messages or inquiries sent from the search terminal are routed to the appropriate network address. For routing, the user identification, the geographical position of the search terminal, the travel route selected by the user by the search terminal, see col.6 lines 7-62 and col.7 line 17 to col.8 line 62);

wherein the geolocation activities include tasking a plurality of data collection machines (servers 3 and 4 fig.2) to collect data pertaining to the network address and mapping the network address to the geographic location based on the collected data (see fig.8, col.9 line 15 to col.10 line 60).

As to claims 2 and 19, Kari further discloses the query is received from an external entity (user's queries) responsive to a user accessing a website operated by the external entity and the network addresses is the network address associated with the machine or user (see fig.2, col.7 line 17 to col.8 line 62).

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As to claims 6 and 7, Kari discloses the query is received via a customer extranet, mapping in a geolocation system includes determining whether the network address is likely to fall within a consolidated domain of network addresses maintained within a database (see col.13 line 21 to col.14 line 54).

As to claim 9, Kari further discloses the mapping includes identifying a network address block around the network address included within the query (see col.13 line 21 to col.14 line 54).

As to claim 10, Kari discloses the mapping includes running an exact geolocation process to determine geolocation information for the network address (see col.8 lines 20-62 and col.13 line 21 to col.14 line 54).

As to claim 11, Kari discloses running an exact geolocation process to determine geolocation information for the identified network address block around the network address (see col.8 lines 20-62 and col.13 line 21 to col.14 line 54).

As to claim 12, Kari further discloses a group of geolocation processes including a traceroute, a latency calculation, a hostname matching operation and a DNS process (see fig.8, col.9 line 15 to col.10 line 60 and col.13 line 21 to col.14 line 54).

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As to claim 13, Kari further discloses running an inexact geolocation process to determine geolocation information for the network address (see col.8 lines 20-62 and col.13 line 21 to col.14 line 54).

As to claim 14, Kari further discloses that mapping includes forwarding the network address for manual resolution (see fig.8, col.9 line 15 to col.10 line 60 and col.13 line 21 to col.14 line 54).

As to claim 15, Kari further discloses that the mapping includes a tiered process, including a plurality of sequential automated mapping operations (see col.8 lines 6-62 and col.9 line 15 to col.10 line 60).

As to claim 18, Kari discloses a geolocation system to perform geolocation activities relating to a query, the method including:

a first system for receiving a query, at a geolocation system (search terminal 1 fig. 2), including a network address, from an external entity (initiating a query including a network address, see abstract, fig.2, col.4 lines 44-67 and col.6 lines 15-62);

a second system coupled to the first system and responsive to receipt of the query, initiating geolocation activities at the geolocation system to map the query to a geographic location associated with the network address (by setting up a connection via the telecommunication network to the service, the location information and the identification of the terminal or the user, and possible information on the travel route is included in the query message is transmitted to the service. The messages or inquiries sent from the search terminal are

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routed to the appropriate network address. For routing, the user identification, the geographical position of the search terminal, the travel route selected by the user by the search terminal, see col.6 lines 7-62 and col.7 line 17 to col.8 line 62);

wherein the geolocation activities include tasking a plurality of data collection machines (servers 3 and 4 fig.2) to collect data pertaining to the network address and mapping the network address to the geographic location based on the collected data (see fig.8, col.9 line 15 to col.10 line 60).

Claims 23-32 are rejected for the same reasons set forth in claims 6-15 respectively.

Claims 35 and 36 are rejected for the same reasons set forth in claims 1 and 18 respectively.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kari in view of Zoken et al, (hereafter Zoken), U.S. pat. No.5,944,787.

Kari's teachings still applied as in claim 3 above. Kari does not specifically disclose a service provider, an educational, business and government domain. However, Zoken in the same network environment a group of domains including an educational, business and government

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domain [top-level domains including "gov" (government institutions), "edu" (educational institutions), "org" (public and private organizations)] (see Zoken's fig.2, col.1 lines 13-46 and col.3 lines 41-67). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize Zoken's various domains into the computer system of Kari for providing network domains because it would have allowed users to identify one or more geographic locale associated with detected Internet Service Provider (see Zoken's col.3 lines 41-67) and thus provided more choice of useful domains to appropriate users in a communications network.

6. Claims 5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kari in view of Reed et al., US pat. No.5,862,325.

Kari further discloses that the query is received (initiating a query including a network address, see abstract, fig.2, col.4 lines 44-67 and col.6 lines 15-62). Kari does not specifically disclose the query using an Application Program Interface (API). However, Reed discloses the query using an Application Program Interface (API) (see fig.3, col.50 line 25 to col.51 line 48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Reed's teachings into the computer system of Kari to process data information because it would have provide an interface between a high level language and lower level utilities and services which were written without consideration for the calling conventions supported by compiled languages.



***Allowable Subject Matter***

7. Claims 16, 17, 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments filed 9/25/2007 have been fully considered but they are not persuasive.

Applicant asserts that the cited reference does not disclose “responsive to receipt of the generating geographic data and network data at the geolocation system to map the query to a geographic location associated with the network address and wherein the geolocation activities include tasking a plurality of data collection machines to collect data pertaining to the network address and mapping the network address to the geographic location based on the collected data”.

*Examiner respectfully disagrees. Examiner respectfully point out that Kari discloses the Applicant's invention by showing in responsive to receipt of the generating geographic data and network data at the geolocation system to map the query to a geographic location (geographical position of the search terminal) associated with the network address (by setting up a connection via the telecommunication network to the service, the location information, the identification of the terminal or the user, and possible information on the travel route is included in the query message is transmitted to the service. The search terminal routes the messages or inquires to the appropriate network address using the user identification, the geographical position of the*

*search terminal and the travel route selected by the user by the search terminal, see col.6 lines 7-62 and col.7 line 17 to col.8 line 62) and the geolocation activities include tasking a plurality of data collection machines (servers 3 and 4 fig.2) to collect data pertaining to the network address and mapping the network address to the geographic location based on the collected data (collecting the messages or inquires to the appropriate network address using the user identification, the geographical position of the search terminal sent from the search terminal, see fig.8, col.9 line 15 to col.10 line 60).*

*As a result, cited prior art does disclose a method to perform geolocation activities relating to a query, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.*

### **Conclusion**

9. Claims 1, 2, 5-15, 18, 19, 22-32, 35 and 36 are rejected.
10. Claims 16, 17, 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after


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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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